

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **TERESA JACKSON, M.D.**

4 Holder of License No. 32627
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-10-0395A
MD-10-0884A

**ORDER FOR DECREE OF CENSURE,
PRACTICE RESTRICTION AND
PROBATION AND CONSENT TO THE
SAME**

7
8 Teresa Jackson, M.D. ("Respondent") elects to permanently waive any right to a
9 hearing and appeal with respect to this Order for Decree of Censure, Practice Restriction
10 and Probation; admits the jurisdiction of the Arizona Medical Board ("Board"); and
11 consents to the entry of this Order by the Board.

12 **FINDINGS OF FACT**

13 1. The Board is the duly constituted authority for the regulation and control of
14 the practice of allopathic medicine in the State of Arizona.

15 2. Respondent is the holder of license number 32627 for the practice of
16 allopathic medicine in the State of Arizona.

17 **Case No. MD-0395A**

18 3. The Board initiated case number MD-0395A after receiving notification that
19 on March 19, 2010, Northwest Medical Center summarily suspended Respondent for
20 concerns about performing surgery while impaired.

21 4. On March 22, 2010, Board staff interviewed Respondent and ordered her to
22 undergo biological fluid and hair testing. Respondent tested positive for benzodiazepines,
23 lorazepam, nordazepam, oxazepam and temazepam; her hair screen was positive for
24 opiates and benzodiazepines.

25 5. On March 24, 2010, Board staff ordered Respondent to undergo and
successfully complete an assessment within ten days. She presented for the assessment

1 on April 2, 2010; however, the report stated that she was unable to successfully complete
2 her evaluation at the evaluation facility and that further testing would be needed before a
3 recommendation for treatment could be made.

4 6. The evaluators determined that Respondent was not safe to practice
5 medicine and recommended that she not practice until she had undergone further testing
6 and work up. On May 12, 2010, the Board issued Respondent an Interim Order for
7 Practice Limitation.

8 7. On June 1, 2010, Respondent returned to the evaluation facility, where she
9 was diagnosed with drug and alcohol abuse. The evaluation facility found that
10 Respondent was at high risk for future relapse and dangerous use of substances. The
11 evaluation facility recommended that Respondent complete treatment for substance
12 abuse.

13 8. On January 7, 2011, Respondent was admitted to a treatment center after
14 being taken to a hospital post a suicide attempt. Respondent completed 30 days of
15 inpatient treatment and then an additional 90 days of treatment, which was completed on
16 May 20, 2011. During her second course of treatment, Respondent was placed on
17 boundary and behavioral contracts twice due to her noncompliance with the treatment
18 process. As a result, the treatment facility concluded that she was not safe to return to
19 practice for a minimum of six months. The facility also recommended that that she
20 undergo a reassessment by the Physician Health Program (PHP) Monitor. Final
21 recommendations included enrollment in PHP as well as psychotherapy and psychiatric
22 treatment.

23 9. A Medical Consultant ("MC") reviewed the care provided by Respondent on
24 the day that she was summarily suspended by the medical center. The MC found that the
25 overall care provided by Respondent to patient RG was within the standard of care for

1 breast reconstruction, but that there was no documentation in RG's records pertaining to a
2 discussion regarding other surgical options. In addition, Respondent documented that RG
3 had a prior tissue expander on the left breast, which was incorrect.

4 **Case No. MD-0884A**

5 10. The Board initiated case number MD-0884A after receiving a complaint from
6 a 51 year old female patient ("MK") alleging that Respondent collected monies from MK for
7 a surgery that was never performed.

8 11. On February 25, 2010, MK consulted with Respondent for an
9 abdominoplasty procedure. MK submitted a check in the amount of \$8,720 to Respondent
10 for payment of the surgery, which was cashed the following day. The surgery was
11 scheduled for May 24, 2010, and then cancelled by Respondent on May 14, 2010.
12 However, Respondent never performed the surgery and failed to refund MK's money.

13 12. The Board subsequently learned that Respondent had collected \$12,068
14 from one other patient for a procedure and failed to either perform the promised surgery or
15 refund the amount paid.

16 13. On August 17, 2010, Respondent filed for Chapter 7 bankruptcy and
17 eventually had her debts, including the amounts owed to her patients, discharged.

18 **CONCLUSIONS OF LAW**

19 1. The Board possesses jurisdiction over the subject matter hereof and over
20 Respondent.

21 2. The conduct and circumstances described above constitute unprofessional
22 conduct pursuant to A.R.S. § 32-1401(27)(e) ("[f]ailing or refusing to maintain adequate
23 records on a patient.").

24 3. The conduct and circumstances described above constitute unprofessional
25 conduct pursuant to A.R.S. § 32-1401(27)(f) ("[h]abitual intemperance in the use of alcohol
or habitual substance abuse.")

4. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401 (27)(u) (“[c]harging a fee for services not rendered or dividing a professional fee for patient referrals among health care providers or health care institutions or between these providers and institutions or a contractual arrangement that has the same effect. This subdivision does not apply to payments from a medical researcher to a physician in connection with identifying and monitoring patients for a clinical trial regulated by the United States food and drug administration.”)

ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent is issued a Decree of Censure.

2. Respondent's practice is restricted in that she shall not practice medicine in the State of Arizona and is prohibited from prescribing any form of treatment including prescription medications for a period of at least six months. Respondent may not return to practicing medicine until she is deemed safe to practice by the PHP Monitor. The PHP Monitor may require any combination of staff approved assessments, evaluations, treatments, examinations or interviews it finds necessary to assist in determining whether Physician is able to safely resume such practice. The PHP Monitor shall notify Board staff that the restriction can be vacated.

3. Respondent is assessed civil penalty of \$10,000 to be paid within three years of the effective date of this Order.

4. Respondent is placed on Probation for **five years** with the following terms and conditions:

1. **Participation**¹. Respondent shall promptly enroll in and participate in the Board's Physician Health Program (PHP) monitoring service which is administered by

¹ Respondent's PHP participation is retroactive to June 21, 2011.

1 a private contractor. ("Monitor").

2 2. **Relapse Prevention Group.** Respondent shall attend the Monitor's relapse
3 prevention group therapy sessions one time per week for the duration of this Order, unless
4 excused by the relapse prevention group facilitator for good cause. Individual relapse
5 therapy may be substituted for one or more of the group therapy sessions, if Monitor pre-
6 approves substitution. The relapse prevention group facilitators or individual relapse
7 prevention therapist shall submit monthly reports to the Monitor regarding attendance and
8 progress.

9 3. **12 Step or Self-Help Group Meetings.** If applicable, Respondent shall
10 attend ninety 12-step meetings or other self-help group meetings appropriate for
11 substance abuse and approved by the Monitor, for a period of ninety days. Upon
12 completion of the ninety meetings in ninety days, Respondent shall participate in a 12-step
13 recovery program or other self-help program appropriate for substance abuse as
14 recommended by the Monitor. Respondent shall attend a minimum of three 12-step or
15 other self-help program meetings per week. Two meetings per month must be Caduceus
16 meetings. Respondent must maintain a log of all self-help meetings.

17 4. **Approved Primary Care Physician.** Respondent shall promptly obtain a
18 primary care physician and shall submit the name of the physician to the Monitor in writing
19 for approval. The approved primary care physician ("PCP") shall be in charge of providing
20 and coordinating Respondent's medical care and treatment. Except in an *Emergency*,
21 Respondent shall obtain medical care and treatment only from the PCP and from health
22 care providers to whom the PCP refers Respondent. Respondent shall promptly provide
23 a copy of this Order to the PCP. Respondent shall also inform all other health care
24 providers who provide medical care or treatment that Respondent is participating in PHP.
25 "*Emergency*" means a serious accident or sudden illness that, if not treated immediately,

1 may result in a long-term medical problem or loss of life.

2 5. **Medication.** Except in an *Emergency*, Respondent shall take no *Medication*
3 unless the PCP or other health care provider to whom the PCP refers Respondent
4 prescribes the *Medication*. Respondent shall not self-prescribe any *Medication*.
5 "*Medication*" means a prescription-only drug, controlled substance, and over-the counter
6 preparation, other than plain aspirin, plain ibuprofen, and plain acetaminophen. If a
7 controlled substance is prescribed, dispensed, or administered to Respondent by any
8 person other than PCP, Respondent shall notify the PCP in writing within 48 hours and
9 notify the Monitor immediately.

10 6. **No Alcohol or Poppy Seeds.** Respondent shall not consume alcohol, any
11 food, or other substance containing poppy seeds or alcohol.

12 7. **Biological Fluid Collection.** Respondent shall provide the Monitor in
13 writing with one telephone number that shall be used to contact Respondent on a 24 hour
14 per day/seven day per week basis to submit to biological fluid collection. For the purposes
15 of this section, telephonic notice shall be deemed given at the time a message to appear is
16 left at the contact telephone number provided by Respondent. Respondent authorizes any
17 person or organization conducting tests on the collected samples to provide testing results
18 to the Monitor. Respondent shall comply with all requirements for biological fluid
19 collection.

20 8. **Out of State Travel and/or Unavailability at Home/Office Telephone**
21 **Number.** Respondent shall provide the Monitor with written notice of any plans to travel
22 out of state.

23 9. **Payment for Services.** Respondent shall pay for all costs, including Monitor
24 costs associated with participating in PHP at the time service is rendered, or within 30
25 days of each invoice sent to the Respondent. An initial deposit of two months monitoring

1 fees is due upon entering the program. Failure to pay either the initial monitoring deposit
2 or monthly fees 60 days after invoicing will be reported to the Board by the contractor and
3 may result in disciplinary action up to and including revocation.

4 10. Interviews. Respondent shall appear in person before the Monitor for
5 interviews upon request, upon reasonable notice.

6 11. Address and Phone Changes, Notice. Respondent shall immediately notify
7 the Monitor in writing of any change in office or home addresses and telephone numbers.

8 12. Relapse, Violation. In the event of chemical dependency relapse by
9 Respondent or Respondent's use of drugs or alcohol in violation of the Order, Respondent
10 shall promptly enter into an Interim Order for Practice Restriction and Consent to the
11 Same that requires, among other things, that Respondent not practice medicine until such
12 time as Respondent successfully completes long-term inpatient treatment for chemical
13 dependency designated by the Monitor and obtains affirmative approval from the Board or
14 the Executive Director to return to the practice of medicine. Prior to approving
15 Respondent's request to return to the practice of medicine, Respondent may be required
16 to submit to witnessed biological fluid collection or undergo any combination of physical
17 examination, psychiatric or psychological evaluation. **In no respect shall the terms of**
18 **this paragraph restrict the Board's authority to initiate and take disciplinary action**
19 **for violation of this Order.**

20 13. Notice Requirements. Respondent shall immediately provide a copy of this
21 Order to all current and future employers and all hospitals and free standing surgery
22 centers where Respondent has privileges. Within 30 days of the date of this Order,
23 Respondent shall provide the Monitor with a signed statement of compliance with this
24 notification requirement. Respondent is further required to notify, in writing, all employers,
25 hospitals and free standing surgery centers where Respondent currently has or in the

1 future gains employment or privileges, of a chemical dependency relapse.,

2 14. **Out-of-State.** In the event Respondent resides or practices as a physician
3 in a state other than Arizona, Respondent shall participate in the rehabilitation program
4 sponsored by that state's medical licensing authority or medical society. Respondent shall
5 cause the monitoring state's program to provide written quarterly reports to the Monitor
6 regarding Respondent's attendance, participation, and monitoring. The monitoring state's
7 program and Respondent shall immediately notify the Monitor if Respondent: a) is non-
8 compliant with any aspect of the monitoring requirements; b) relapses; c) tests positive for
9 controlled substances; d) has low specific gravity urine drug test(s), missed and/or late
10 urine drug tests, or otherwise rejected urine drug tests; and e) is required to undergo any
11 additional treatment.

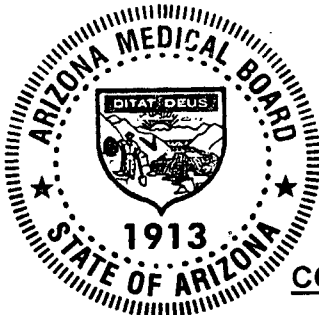
12 15. Respondent shall immediately obtain a treating psychiatrist and
13 psychotherapist approved by the Monitor and shall remain in treatment with the
14 psychiatrist and psychotherapist until further order. Respondent shall instruct the
15 psychiatrist and psychotherapist to release to the Monitor, upon request, all records
16 relating to Respondent's treatment, and to submit quarterly written reports to the Monitor
17 regarding diagnosis, prognosis, medications, and recommendations for continuing care
18 and treatment of Respondent. Respondent shall provide the psychiatrist and
19 psychotherapist with a copy of this order. Respondent shall pay the expenses of all the
20 psychiatric and psychotherapeutic care and for the preparation of the quarterly reports.
21 After **twelve months**, Respondent may submit a written request to the Monitor requesting
22 termination of the requirement that Respondent remain in treatment with a psychiatrist and
23 psychotherapist. The decision to terminate will be based, in part, upon the treating
24 psychiatrist's and psychotherapist's recommendations for continued care and treatment.

16. This Order supersedes all previous consent agreements and stipulations between the Board and/or the Executive Director and Respondent.

17. The Board retains jurisdiction and may initiate new action based upon any violation of this Order.

DATED AND EFFECTIVE this 1st day of October, 2011.

ARIZONA MEDICAL BOARD



By Lisa S. Wynn
Lisa S. Wynn
Executive Director

CONSENT TO ENTRY OF ORDER

1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent acknowledges she has the right to consult with legal counsel regarding this matter.

2. Respondent acknowledges and agrees that this Order is entered into freely and voluntarily and that no promise was made or coercion used to induce such entry.

3. By consenting to this Order, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Order in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Order.

4. The Order is not effective until approved by the Board and signed by its Executive Director.

5. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government

1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
2 any other state or federal court.

3 6. Upon signing this agreement, and returning this document (or a copy thereof)
4 to the Board's Executive Director, Respondent may not revoke the consent to the entry of
5 the Order. Respondent may not make any modifications to the document. Any
6 modifications to this original document are ineffective and void unless mutually approved
7 by the parties.


8 7. This Order is a public record that will be publicly disseminated as a formal
9 disciplinary action of the Board and will be reported to the National Practitioner's Data
10 Bank and on the Board's web site as a disciplinary action.

11 8. If any part of the Order is later declared void or otherwise unenforceable, the
12 remainder of the Order in its entirety shall remain in force and effect.

13 9. If the Board does not adopt this Order, Respondent will not assert as a
14 defense that the Board's consideration of the Order constitutes bias, prejudice,
15 prejudgment or other similar defense.

16 10. Any violation of this Order constitutes unprofessional conduct and may result
17 in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,
18 consent agreement or stipulation issued or entered into by the board or its executive
19 director under this chapter") and 32-1451.

20 **11. Respondent has read and understands the conditions of probation.**

21
22 
23 _____
Teresa Jackson, M.D.

DATED: 9/2/11

24
25 EXECUTED COPY of the foregoing mailed
this 9th day of Oct, 2011 to:

1 Teresa Jackson, M.D.

2 Address of Record

3 ORIGINAL of the foregoing filed
4 this 19 day of October, 2011 with:

5 Arizona Medical Board
6 9545 E. Doubletree Ranch Road
7 Scottsdale, AZ 85258

8 
9 Arizona Medical Board Staff